
AMENDED IN SENATE APRIL 14, 1988
AMENDED IN SENATE APRIL 5, 1988

SENATE BILL No. 2261

Introduced by Senator Keene

February 17, 1988

An act to add Chapter 8 (commencing with Section 6900) to Part 1 of Division 6 of the Fish and Game Code, relating to fish, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds that the Advisory Committee on Salmon and Steelhead Trout, reestablished by Resolution

Chapter 141 of the Statutes of 1983, has conducted a thorough inquiry into the decline of the salmon and steelhead trout resources of the state and has presented to the public its findings and recommendations for legislative and administrative actions to conserve and restore those resources. It is the intent of this act to implement the recommendations of the advisory committee.

SECTION 2. Chapter 8 (commencing with Section 6900) is added to Part 1 of Division 6 of the Fish and Game Code, to read:

CHAPTER 8. SALMON AND STEELHEAD TROUT CONSERVATION AND RESTORATION

Article 1. Citation and Legislative Findings

6900. This chapter shall be known and may be cited as the California Salmon and Steelhead Trout Conservation and Restoration Act.

6901. The Legislature finds, as follows:

(a) The production of salmon and steelhead trout in California has declined to approximately 1,000,000 adult chinook or king salmon, 100,000 coho or silver salmon, and 150,000 steelhead trout.

(b) The salmon and steelhead trout resources of the state have declined dramatically within the past four decades, primarily as a result of water diversion projects and land use practices which destroy stream habitat.

(c) Much of the loss of salmon and steelhead trout habitat in the state, particularly in the Central Valley, has resulted from water development programs which have enjoyed substantial federal and state general fund assistance.

(d) The conservation and restoration of the salmon and steelhead trout resources of the state would provide a large statewide economic benefit and would, in addition, provide employment opportunities not otherwise available to the citizens of this state, particularly in rural areas of present underemployment.

(e) The conservation and restoration of California's salmon and steelhead trout re-

sources would return to the citizens valuable public resources which have been taken from them and would aid in the fulfillment of the public trust obligations of the state.

(f) Successful salmon and steelhead trout conservation and restoration requires maintaining adequate levels of natural, as compared to hatchery, spawning and rearing.

(g) The present level of reliance upon hatchery production of salmon and steelhead trout in California is at or near the maximum that it should occupy in the mix of natural and artificial hatchery production in the state.

(h) The conservation and restoration of the salmon and steelhead trout of the state must be accomplished primarily through the improvement of stream habitat and the elimination of manmade factors which cause the loss of juvenile fish in California's stream systems.

(i) Funds provided by the Legislature since 1978 to assist the restoration of the fisheries of the state have been administered by the Department of Fish and Game in a successful program of contracts with local government and nonprofit agencies and private groups in ways that have attracted substantial citizen effort.

(j) The department's contract program has demonstrated that California has a large and enthusiastic corps of citizens that are eager to further the restoration of the stream and fishery resources of this state and that are

willing to provide significant amounts of time and labor to that purpose.

(k) There is need for a comprehensive plan, program, and state government organization to guide the conservation and restoration of the salmon and steelhead trout resources of the state.

6902. The Legislature declares, as follows:

(a) It is the policy of the state to increase the production of salmon and steelhead trout by the end of this century to approximately double that of present levels.

(b) It is the policy of the state to provide sustained annual funding for the purpose of doubling the production of the state's salmon and steelhead trout resources.

(c) It is the policy of the state to encourage the participation of its citizens in the conservation and restoration of the salmon and steelhead trout resources.

(d) It is the policy of the state to restore California's salmon and steelhead trout resources primarily through the improvement of instream habitat and the elimination of manmade factors which kill juvenile fish.

(e) It is the policy of the state that the salmon and steelhead trout habitat remaining in California shall not be diminished further and that every state agency and political subdivision of this state will conform its projects, programs, and activities to ensure that this policy is achieved.

Article 2. Definitions

6910. Unless the context clearly requires a different meaning, the definitions in this article govern the construction of this chapter.

6911. "Production" means the survival of fish to adulthood as measured by the abundance of the recreational and commercial

catch together with the return of fish to the state's spawning streams.

6912. "Program" means the program for conserving and restoring the salmon and steelhead trout of the state provided for in Article 3 (commencing with Section 6920).

Article 3. Salmon and Steelhead Trout Conservation and Restoration Program

6920. The department shall, with the advice of the Advisory Committee on Salmon

and Steelhead Trout and the Commercial Salmon Trollers Advisory Committee, pre

pare and maintain a detailed and comprehensive salmon and steelhead trout conservation and restoration program.

6921. The program shall identify the measures the department will carry out to assure a statewide doubling of salmon and steelhead trout by the end of the century.

6922. The program shall include, but is not limited to, all of the following elements:

(a) Identification of streams where the production of salmon and steelhead trout can be increased primarily through the improvement of stream and stream banks conditions without substantial concern for land ownership, land use practices, or changes in stream flow operations subject to the control of the state.

(b) Identification of streams where the production of salmon and steel head trout can be increased only through the improvement of land use practices or changes in stream flow operations subject to the control of the state.

(c) Identification of streams where the conservation and restoration of salmon and steelhead trout resources require, as a result of significant prior loss of stream habitat, the construction of artificial propagation facilities.

(d) A program element for evaluating the effectiveness of the program.

(e) Recommendations for an organizational structure, staffing, budgeting, long-term sources of funding, changes in state statutes and regulations and federal and local government policy and such other administrative and legislative actions as the department finds to be necessary to accomplish the purposes of this chapter.

6923. Measures which are clearly the responsibility of other agencies or persons, such as the repair or replacement of dysfunctional fish screens, are not eligible for funding

under the program.

6924. The department shall determine the initial elements of the program and transmit those elements to the Advisory Committee on Salmon and Steelhead Trout within six months of the effective date of this chapter.

6925. The Advisory Committee on Salmon and Steelhead Trout shall report to the Legislature within 90 days of its receipt of the initial elements its recommendations for implementing and, where necessary, improving the program to assure conformance with the purposes and policies of this chapter.

SECTION 3. The sum of one hundred twenty-five thousand dollars (\$125,000) is hereby appropriated from the Environmental License Plate Fund to the Department of Fish and Game for the preparation of the initial elements of the salmon and steelhead trout conservation and restoration program pursuant to Chapter 8 (commencing with Section 6900) of Part 1 of Division 6 of the Fish and Game Code.

SECTION 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

The decline of salmon and steelhead trout is occurring at such a precipitous rate that some segments of these native California fish (winter run and spring run king salmon and steelhead trout of the upper Sacramento River) are threatened with extinction. In order to stop the decline and restore the fishery resource at the earliest possible time, it is necessary that this act take effect immediately.

***"Stewardship of the state's
resources requires more than
a defensive philosophy.."***
